

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUISA HERRERA, *et al.*,

Plaintiffs,

v.

THE PORTS AUTHORITY OF
PUERTO RICO, *et al.*,

Defendants.

*
*
*
*
*
*
*
*
*

CIVIL NO. 96-1743 (BRD)

RECEIVED & FILED
00 APR 20 AM 10:33
U.S. DISTRICT COURT
SAN JUAN, P.R.

AMENDED RULE 35 ORDER FOR EXAMINATION OF
PLAINTIFF LUISA HERRERA

Upon consideration of the motion of defendant Saúl Serrano ("Serrano") and pursuant to Rule 35 of the Federal Rules of Civil Procedure and to the cases of Schlagenhauf v. Holder, 379 U.S. 104, 85 S.Ct. 234 (1964) and Bowing v. Delaware Rayon Co., 190 A.567, 38 Del. 206 (Super. 1937), plaintiff Luisa Herrera ("Herrera") is hereby **ORDERED** to submit to medical examination by Serrano subject to the following terms and conditions:

(a) Herrera shall submit to a psychiatric examination to be conducted by Dr. Luis E. Cánepa, M.D., at his offices, at Ashford Medical Center Suite 301, Ashford Avenue, Santurce, Puerto Rico 00907, on **Saturday, April 1, 2000 at 2:00 P.M.** Should the evaluation by Dr. Cánepa require examination of Herrera on more than one occasion in order to make a proper diagnosis of her condition and to ascertain the nature and extent of her alleged injuries, Herrera shall submit to said examinations at such dates, times and places as may be reasonably required by Dr. Cánepa.

**AMENDED RULE 35 ORDER FOR EXAMINATION OF
PLAINTIFF LUISA HERRERA
CIVIL NO. 96-1743 (DRD)**

Page 2 of 3

(b) Herrera shall also submit to psychological testing to be conducted by Dr. Carol M. Romey, Ph.D., at her offices located at 315 Recinto Sur, Office 2A, Old San Juan, San Juan, Puerto Rico, on as many occasions as may be reasonably required, commencing on **April 22, 2000**, from **9:00 a.m. to 12:00 p.m.**

(c) Herrera shall also submit to a physical examination to be conducted by Dr. Luis Cotto-Ibarra, M.D., at Clínica de Terapia Física, 271 Domenech Avenue, Hato Rey, Puerto Rico, on ***Tuesday, March 28, 2000, at 4:30 P.M.*** Should Dr. Cotto-Ibarra determine that he needs to examine Herrera on more than one occasion in order to make a proper diagnosis of her condition and to ascertain the nature and extent of her alleged injuries, Herrera shall submit to said examinations at such dates, times and places as may be reasonably required by Dr. Cotto-Ibarra.

(d) The examinations shall seek to make a proper diagnosis of Herrera's condition and to ascertain the nature and extent of her alleged injuries and shall include such tests and procedures, including but not limited to x-rays, magnetic resonance imaging and blood tests, as the examiners deem useful to make a proper diagnosis of Herrera's condition and to ascertain the nature and extent of her alleged injuries.

(e) Neither the parties' counsel nor employees of said counsel will be permitted to attend the examinations.

(f) Herrera may neither, on grounds of relevancy or privilege, refuse to answer nor limit the scope of her answers to questions concerning her medical history which are posed by the examiners in order to make a proper diagnosis of Herrera's alleged injuries.

**AMENDED RULE 35 ORDER FOR EXAMINATION OF
PLAINTIFF LUISA HERRERA
CIVIL NO. 96-1743 (DRD)**

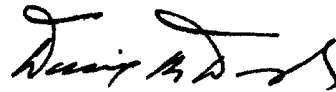
Page 3 of 3

(g) The costs of the examinations, as well as of all tests, reports and services to be rendered will be for the account of Serrano, without prejudice to Serrano's right to subsequently claim and recover said amount as litigation expenses in accordance with applicable rules.

Herrera is hereby advised that failure to comply with this order may result in the imposition of sanctions available under the applicable Federal Rules of Civil Procedure, including the dismissal of this action.

IT IS SO ORDERED.

DATED: April 19, 2000.



DANIEL R. DOMÍNGUEZ
U.S. DISTRICT JUDGE